

MIGUEL A. SANTANA

CITY ADMINISTRATIVE OFFICER

CITY OF LOS ANGELES

CALIFORNIA



ANTONIO R. VILLARAIGOSA
MAYOR

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CITY ADMINISTRATIVE OFFICERS

RAYMOND P. CIRANNA
PATRICIA J. HUBER

November 7, 2011

Edna E.J. Francis, Chairperson
Los Angeles City Employee Relations Board
200 North Main Street, Suite 1100
Los Angeles, CA 90012

RE: ASSEMBLY BILL 646

Dear Ms. Francis:

The California Legislature recently adopted revisions to the Meyers-Milias-Brown Act (MMBA) which will take effect on January 1, 2012. Specifically, Assembly Bill (AB) 646 added California Government Code Sections 3505.5 and 3505.7, and repealed and added Section 3505.4 of the MMBA. The new procedures mandate particular time schedules for the mediation process and fact finding; standards for consideration by the fact finders; distribution and publication of the fact finder's report; and a public hearing regarding the impasse prior to implementation of the employer's last, best and final offer.

Based on concerns that the provisions of AB 646 could impact employee relations in the City of Los Angeles, I asked the Office of the City Attorney to review the provisions of AB 646 and opine as to their applicability to the City's processes under the Employee Relations Ordinance (ERO). I wanted to share with you and your colleagues on the Employee Relations Board (ERB) that the City Attorney's Office has determined that no changes to the ERO are necessary based on the recently-enacted changes to the MMBA.

The City already has a comprehensive regulatory system in its ERO, Administrative Code, and ERB Rules and Regulations, that substantially achieve the same procedures and ends as the new legislation. In addition, Government Code Section 3509(d) specifically grants the City of Los Angeles permission to utilize its own employee relations commission and to enact its own procedures and rules, consistent with and pursuant to the policies of the MMBA. Therefore, no changes to the City's existing processes or procedures are mandated by the changes to MMBA enacted under AB 646, and the City Attorney's Office recommends that the City continue to follow the dictates of the ERO, and the regulations promulgated there under, just as it has always done.

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Please contact me or Maritta Aspen of my staff at (213) 978-7641 or Maritta.Aspen@lacity.org if additional information is required.

Very truly yours,

A handwritten signature in black ink, appearing to read "Miguel A. Santana", with a long horizontal flourish extending to the right.

Miguel A. Santana
City Administrative Officer

MAS:MHA:08110078

Cc: Zna Houston, City Attorney
Janis Barquist, City Attorney
Robert Bergeson, ERB